THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17981 of 2005

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Dated: 17.08.2005

Between:-

B. Chandra Reddy s/o B. Yella Reddy, aged 59 years,

R./o Mansanpalli village, Maheswaram mandal,

Ranga Reddy District.

…PETITIONERS

And

The Government of Andhra Pradesh, represented by its Secretary to Government, dRevenue Department at Secretariat, Hyderabad and another.

…RESPONDENTS

O R D E R

The petitioner seeks a Mandamus declaring the action of the respondents in not disposing of his representation, dated 19.07.2005, by referring the matter to the first respondent as illegal and arbitrary and consequently to direct the 2nd respondent to dispose of his representation by referring the matter to the 1st respondent.

The case of the petitioner is that he purchased an extent of 10 acres

of land in Survey No. 40 of Mansanpalli village idn Maheswaram mandal of Ranga Reddy District in the year 1997 and after purchase, he developed the land by digging a bore-well and made it fit for cultivation. While so, the 2nd respondent issued a notice in Lr. No. D/1092/05, dated 04.04.2005, calling upon him to explain as to why the schedule land shall not be resumed under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 on the ground that the land under his cultivation and possession is the property of the Government and assigned in favour of the assignees i.e. his vendors. It is the further case of the petitioner that after the notice was served on him; he gave explanation on 19.07.2005 intimating the authorities that the property was purchased by him bonafidely not knowing that the said property was an assigned land and that he had invested huge amounts for purchased and developing the property and if the said land is resumed at this stage, he will suffer irreparable loss. He also requested the 2nd respondent to refer the matter to the first respondent, who is the competent authority, for regularization of his sale for any reasonable market value. The 2nd respondent is not taking any steps pursuant to his explanation and representation for reference of the matter to the first respondent and when he approached 2nd respondent on 10.8.2005 he was made to know that orders would be passed any time under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, resuming the land as the transfer effected in his favour was contrary to the Act. Therefore, the petitioner came up with the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader.

Pending consideration and passing of final orders on the representation submitted by the petitioner, dated 19.07.2005, in response to the notice given by the 2nd respondent under Form No. 1, dated 04.04.2005, under Section 3 (2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 i.e. possession of the schedule land to the conditions of the assigned order, this writ

petition is filed contending that the petitioner is a bona fide purchaser and he is seeking regularization of the schedule land which is in possession of the schedule land on payment of market value fixed by the Government.

Considering the facts and circumstances of the case, without going into merits or otherwise of the contentions raised herein, I deem it appropriate to dispose of the writ petition, at the stage of admission, directing the 2nd respondent-M.R.O. to dispose of the representation – explanation, dated 19.07.2005, submitted by the petitioner herein in response to the show cause notice, dated 04.04.2005 issued by the 2nd respondent, within a period of twelve weeks from the date of receipt of a copy of this order, in accordance with law after giving opportunity to the petitioner. Till such time, the respondents are directed not to dispossess/interfere with the possession of the petitioner from the petition schedule land.

The writ petition is, accordingly, disposed of. No order as to costs.

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E. DHARMA RAO, J

17th August, 2005

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